

Amendments to the Claims

Claim 1 (Original): Hybrid maize seed designated 34M94, representative seed of said hybrid 34M94 having been deposited under ATCC accession number _____.

Claim 2 (Original): A maize plant, or its parts, produced by the seed of claim 1.

Claim 3 (Original): Pollen of the plant of claim 2.

Claim 4 (Original): An ovule of the plant of claim 2.

B²
Claim 5 (Currently amended): A tissue culture of regenerable cells or protoplasts of a hybrid maize plant 34M94, representative seed of said hybrid maize plant 34M94 having been deposited under ATCC accession number _____.

Claim 6 (Previously amended): The tissue culture according to claim 5, the cells or protoplasts of said cells having been isolated from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

Claim 7 (Original): A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant 34M94, representative seed having been deposited under ATCC accession number _____.

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Claim 8 (Currently amended): The maize plant of claim 2 wherein said maize plant further comprises a genetic factor conferring male sterility.

Claims 9-19 (Cancelled)

Claim 20 (Original): A maize plant, or its parts, having all the morphological and physiological characteristics of the plant of claim 2.

Claims 21-32 (Cancelled)

Claim 33 (Previously added): A method of making a hybrid maize plant designated 34M94 comprising:

crossing an inbred maize plant GE568044, deposited as _____ with a second inbred maize plant GE533486, deposited as _____; and

developing from the cross a hybrid maize plant representative seed of which having been deposited under ATCC Accession Number _____.

Claims 34-41 (Cancelled)

B4
Claim 42 (New): A method of developing a transgenic 34M94 maize plant, comprising transforming at least one of the inbred parents of 34M94 with a transgene, wherein a representative sample of said inbred parents have been deposited as _____ for GE568044 or _____ for GE533486, and crossing said inbred parents to produce a transgenic 34M94 hybrid maize plant.

Claim 43 (New): The maize plant of claim 42 wherein said transgene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 44 (New): The maize plant of claim 43 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.

Claim 45 (New): The maize plant of claim 43 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imidazolinone resistance and a transgene conferring sulfonylurea resistance.

By Claim 46 (New): A method of developing a backcross conversion 34M94 hybrid maize plant, comprising backcrossing a gene into at least one of the inbred parents of 34M94, wherein a representative sample of said inbred parents have been deposited as _____ for GE568044 or _____ for GE533486, and crossing said inbred parents to produce a transgenic 34M94 hybrid maize plant.

Claim 47 (New): A method of making an inbred maize plant comprising: obtaining the plant produced by the method of claim 46; and applying double haploid methods to obtain a plant that is homozygous at essentially every locus, said plant having received all of its alleles from maize hybrid plant 34M94.

Claim 48 (New): The maize plant of claim 46 wherein said gene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 49 (New): The maize plant of claim 48 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.

Claim 50 (New): The maize plant of claim 48 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imidazolinone resistance and a transgene conferring sulfonylurea resistance.

Claim 51 (New): A maize plant, or parts thereof, having all the morphological and physiological characteristics of hybrid maize plant 34M94 representative seed of said hybrid maize plant having been deposited under ATCC Accession No. _____.

Claim 52 (New): A method for producing a 34M94 progeny maize plant, comprising:

- (a) crossing the maize plant or plant parts of claim 2, with a second maize plant to yield progeny maize seed; and
- (b) growing said progeny maize seed, under plant growth conditions, to yield said 34M94 progeny maize plant.

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Claim 53 (New): A method of making a hybrid maize seed 34M94 comprising: crossing an inbred maize plant GE568044 and GE533486, deposited as _____ and _____, respectively to produce hybrid maize seed 34M94.

Claim 54 (New): A process for isolating an inbred parent of hybrid maize plant 34M94, representative seed of which have been deposited under ATCC Accession No. _____, comprising:

- (a) planting a collection of seed comprising seed of hybrid maize plant 34M94, said collection also comprising seed of said inbred parent;
- (b) growing plants from said collection of seed;
- (c) identifying an inbred parent plant; and
- (d) selecting said inbred parent plant.

Claim 55 (New): A method of making an inbred maize plant comprising: obtaining the plant of claim 2; and applying double haploid methods to obtain a plant that is homozygous at essentially every locus, said plant having received all of its alleles from maize hybrid plant 34M94.

Claim 56 (New): The method of claim 55 wherein said inbred line comprises at least about 75% genetic identity to a line selected from the group consisting of GE568044 and GE533486, deposited as _____ and _____, respectively.

Claim 57 (New): A method for producing a 34M94 progeny maize plant comprising:

- (a) growing the plant of claim 2, and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a 34M94 progeny maize plant.

Claim 58 (New): A maize plant produced by the method of claim 57, said maize plant having received all of its alleles from hybrid maize plant 34M94.

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Claim 59 (New): A method for producing a population of 34M94 progeny inbred maize plants comprising:

- (a) growing the plant of claim 2 and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a population of 34M94 progeny inbred maize plants.

Claim 60 (New): A maize plant from the inbred population of maize plants produced by claim 59, said plant having received all of its alleles from hybrid maize plant 34M94.

Claim 61 (New): A method for developing a maize plant in a maize plant breeding program comprising:

obtaining the maize plant, or its parts, of claim 2; and
utilizing said plant or parts as a source of breeding material.

Claim 62 (New): An 34M94 progeny maize plant, or parts thereof, wherein at least one ancestor of said 34M94 progeny maize plant is the maize plant of claim 2, and whercin the pedigree of said 34M94 progeny maize plant has 2 or less breeding crosses to a plant other than 34M94.